

AREA PLAN COMMISSION OF TIPPECANOE COUNTY **MINUTES OF A PUBLIC HEARING**

DATEOctober 16, 2002
 TIME7:00 P.M.
 PLACE.....County Office Building
 20 N. 3RD Street
 Lafayette, IN 47901

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT
Jack Rhoda	Mike Harris	James Hawley
Jan Mills	Miriam Osborn	Sallie Fahey
KD Benson	Laura Peterson	Bernard Gulker
Karl Rutherford	James Miller	Krista Trout
Steve Schreckengast	Stuart Boehning	Joanna Grama, Atty.
David Williams		Michelle D’Andrea
Kathy Vernon		
John Knochel		
Jeff Kessler (arrived ~8:30pm)		
Mark Hermodson		

The Area Plan Commission of Tippecanoe County Public Hearing was held on the 16th day of October 2002, at 7:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Jack Rhoda called the meeting to order.

I. BRIEFING SESSION

James Hawley informed the Commission of the need for continuance on **Z-2081—MIDA DEVELOPMENT GROUP, LLC (R1 TO R3)** to the December 18, 2002 meeting per the petitioners request and **Z-2096—HABITAT FOR HUMANITY (I2 TO R1U)** to the November 20, 2002 meeting due to lack of sign postings.

II. APPROVAL OF MINUTES

KD Benson moved to approve the minutes of the September 18, 2002 public hearing. Jan Mills seconded. The motion was carried by voice vote.

III. NEW BUSINESS

FY 2003 UPWP AMENDMENT:

CityBus, CY 2003 Planning Program Resolution T-02-7

Jan Mills KD Benson moved to hear and approve the above-described resolution Jan seconded the motion.

Bernard Gulker read staff report with recommendation of approval.

an The Commission voted by ballot 9 yes – 0 no to approve **Resolution T-02-7 amendment to the FY 2003 UPWP.**

IV. PUBLIC HEARING

KD Benson moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance of Tippecanoe County, Indiana, are hereby entered by reference into the public record of each agenda item. Jan Mills seconded and the motion carried by voice vote.

Jack Rhoda read the meeting procedures.

A. REZONING ACTIVITIES

KD Benson moved to continue **Z-2081—MIDA DEVELOPMENT GROUP, LLC (R1 TO R3)** to the December 18, 2002 meeting and **Z-2096—HABITAT FOR HUMANITY (I2 TO R1U)** to the November 20, 2002 Area Plan Commission meeting. Jan Mills seconded and the motion was carried by voice vote.

James Hawley informed the Commission that **Z-2083—JEFF WALKER (A TO I3)** could not be heard due to lack of paperwork on file. He stated there were not any proofs of publication, affidavits of sign posting or affidavits of notice to interested parties submitted.

Joseph T. Bumbleburg stated that the petitioner claimed all the paperwork was turned in last month.

James Hawley stated that the paperwork could not have been turned in last month because there were no sign postings last month.

Joseph T. Bumbleburg said that the mailings could have been turned in last month.

James Hawley stated that there were no proofs of publication or letters to interested parties in the file.

Jack Rhoda stated that the Commission would need advice on how to proceed.

James Hawley stated that there could not have been affidavits of sign posting filed last month, because there were no signs posted.

Jack Rhoda asked if a motion for dismissal was in order.

James Hawley stated that a motion to continue was needed.

Karl Rutherford asked if the case could be moved to later in the agenda in order to have some time to locate the paperwork, rather than continuing the case to next month.

Joseph T. Bumbleburg stated that since staff did not have paperwork in the file, it seems it was not delivered to the Area Plan office last month.

James Hawley stated that even if those other things were in the file, they could not have filed sign posting affidavits for signs that were not posted a month ago.

KD Benson moved to continue **Z-2083—JEFF WALKER (A TO I3)** to the November 20, 2002 Area Plan Commission meeting. Jan Mills seconded and the motion was carried by voice vote.

1. **Z-2085—BLACK & BLACK PROPERTIES LIMITED PARTNERSHIP (A TO I1):** Petitioner is requesting the rezoning of 1 acre located on the south side of CR 250 N, at 3675 W 250 N, Wabash 10 (SW) 23-5. CONTINUED FROM THE SEPTEMBER MEETING.

Mills KD Benson moved to hear and approve the above-described request. Jan Mills seconded the motion.

Bernard Gulker read staff comments, with recommendation for denial.

James Hawley presented slides of the zoning map and aerial photo and reiterated staff's recommendation of denial.

John Knochel asked what was across the street.

James Hawley pointed out a mobile home and a single-family home on the map. He stated that the majority of the surrounding land was previously in an A zone and the area south was subsequently rezoned residentially to create a larger newer neighborhood.

John Knochel asked what the two I3's across the road were.

James Hawley stated that one area was rezoned as an accommodation to a business that no longer exists. He said that the other area was Tippecanoe Foods.

KD Benson asked where the American Suburban lot was.

James Hawley pointed it out on the map.

Randy Williams, representing the petitioner, PO Box 1535 Lafayette, IN 47902, stated that the petitioner was present and available to answer any questions. He presented a poster to the Commission of adjoining land. He stated that this really was not a residential street, but a mix of different zoning. He informed the Commission that the petitioner's intention was to open an auto rehab shop. He said that this would not be an auto repair shop, but a restoration shop. He said that petitioner did consider a GB zone, but wanted to avoid the concerns that staff and the Commission have with the GB zone. He pointed out that an I zone is more restrictive as to what can go in that particular lot. He stated that the lot is very deep. He expressed his hope that the Commission understands that this area is not a residential area. He presented a copy of the blueprints to the commission and explained the layout of the lot. He stated that there has not been any opposition from neighbors. He informed the Commission that the petitioner spoke to the adjacent owners and they were in favor of the petition.

David Randy Black 616 Dodge Street West Lafayette, IN, stated that he has always wanted to work on cars and never had the opportunity. He said that his current location was inadequate for this type of work. He said that this type of work requires installing a jack lift, and his current facility will not support this. He stated that this location would allow him the space to work on his personal vehicles and a few others.

Steve Schreckengast asked if there would be employees working at this location.

David Randy Black replied there was a possibility for one employee.

Steve Schreckengast asked how many cars were parked at the location and how many he worked on at a time.

David Randy Black replied that he works on one car at a time.

Steve Schreckengast asked if that one car was inside.

David Randy Black replied yes it was inside.

Steve Schreckengast asked if he used a sign at the location to advertise his business.

David Randy Black replied that he had not considered that. He stated at this time the facility would be used for more personal use.

Steve Schreckengast pointed out that if he was working on one car at a time and it was enclosed, that might be more of a hobby. He asked if Mr. Black sold the cars when the work was completed.

David Randy Black replied that so far he has not sold any.

Steve Schreckengast asked if he could do that activity inside the barn since he was doing it just for himself.

David Randy Black replied that there is no barn on that property. He explained that if the business does well he would like to expand it after retirement and wanted to make sure he had the proper zoning if that happened.

Steve Schreckengast stated that if he does one car at a time, with no employees and most of equipment and work is inside, he does not need a rezone; it would just be a hobby.

David Randy Black stated that he anticipates not a lot of equipment outside. He pointed out that the way the property is arranged, nothing would be seen from the road. He said that in order to see anything one would have to drive on the property and go around to the back. He said that he does not anticipate a clutter of cars.

Mark Hermodson pointed out that I1 does not permit any outside storage.

KD Benson asked whether or not the petitioner lived at this location. She said that if he did not live there it would not fall under the category of home occupation.

David Randy Black replied no he does not live at this location.

Judy Black 616 Dodge Street, West Lafayette, IN, stated that this hobby is in the process of turning into a business. She said that this would not be a large business, but is a genuine business. She informed the Commission that she would not allow cars to be parked or stored outside.

KD Benson stated that she did not think this business would detract from the neighborhood.

Mark Hermodson pointed out the problem was with an I1 zone and what potentially is allowed in that zone. He expressed his belief that this neighborhood is headed for residential and he could not support this.

Jack Rhoda stated that rezones have to answer the question of appropriateness, not necessarily the impact of its current use but what is potentially possibly in that zone.

The Commission voted by ballot 3 yes – 6 no on **Z-2085—BLACK & BLACK PROPERTIES LIMITED PARTNERSHIP (A TO I1)**. The case is continued to the November 20, 2002 Area Plan Commission meeting, due to an inconclusive vote.

Yes Votes

Kathy Vernon
KD Benson
Rutherford
John Knochel

No Votes

Jan Mills
Karl

David Williams
Jack Rhoda
Mark Hermodson
Steve

Schreckengast

2. Z-2090—RBT DEVELOPMENT, LLC (R3 & GB TO NB):

Petitioner is requesting the rezoning of 4.39 acres located approximately 600' north of US 52 West, ¼ mile west of Morehouse Road, Wabash 2 (NE) 23-5. CONTINUED FROM THE SEPTEMBER MEETING.

KD Benson moved to hear and approve the above-described request. Jan Mills seconded.

Bernard Gulker read an amended staff report with recommendation for denial.

James Hawley presented slides of the zoning map, site map and aerial photos. He reiterated the recommendation for denial.

Joseph T. Bumbleburg, P.O. Box 1535, Lafayette, IN, representing the petitioner, stated that the petitioner was present to answer any questions. He presented graphics to the Commission. He asked the Commission to consider that this property is adjoined on three sides by General Business or Neighborhood Business zones and draws access through General Business. He informed the Commission that the petitioner spoke to one of the managing partners of the next door apartment complex , and there was no opposition to the rezone. He referenced the buffering that the staff mentioned in its report and informed the Commission that the petitioner was considering it. He pointed out that this is a second tier away from US 52. He informed the Commission that the petitioner specialized in low-rise developments. He said that their intention was for the NB zone to be used, as per the ordinance, for things like doctors' offices, low impact personal services and insurance agencies. He stated that the likelihood of a restaurant would be slim to none because restaurants would rather be on US 52 than on a second tier lot. He mentioned that when the ordinance was written, NB was crafted to be next to residential. He said that dumpsters would be at this location regardless of zoning. He said that the adjoining residential use, which was in a GB zone, would not be harmed. He said that to use this land, as R3 would be wasteful

and not economically sound to the community. He said that the best use would be NB and asked for approval.

Steve Schreckengast stated that the only thing this might be harmful to, is the apartment complex, which is in a GB zone. He said that since the apartment complex owners did not object, there should be no problem. He pointed out that if someone did not like what was next door, then don't rent that apartment.

Karl Rutherford asked what had changed since the negotiation with the neighborhood.

Joseph T. Bumbleburg stated that one set of negotiations involved the residential subdivision and not the apartments. He said that this petition did not affect that subdivision at all.

Karl Rutherford asked for confirmation that this area was not a part of those talks.

Joseph T Bumbleburg stated this area was a part of a larger negotiation, involving the staff, not the neighborhood.

Steve Schreckengast stated that there seems to be quite a few apartments in that area and is too saturated.

Joseph T. Bumbleburg stated that the apartments adjacent are not all rented out.

The Commission voted by ballot 9 yes – 0 no to recommend approval of **Z-2090—RBT DEVELOPMENT, LLC (R3 & GB TO NB)** to the Tippecanoe County Commissioners.

3. **Z-2092—JOHN S. BADYLAK (PDMX TO PDMX) (WYNDHAM TRACE, LOT 13 REVISED, PD):** Petitioner is requesting an amendment to reduce the recorded front setback from 20' to 17' for a duplex constructed at 2721 and 2725 Wyndham Way, south of US 52, between McCormick and Klondike Roads, Wabash 2 (SW) 23-5.

KD Benson moved to hear and approve the above-described request. Jan Mills seconded.

Bernard Gulker read the staff report with recommendation for conditional approval.

James Hawley presented slides of the zoning map, site map, aerial photo and preliminary plan. He reiterated recommendation of conditional approval.

Paul Coutts, C & S Engineering, 1719 Monon Ave. Lafayette, IN, representing the petitioner, stated that the building stepped out of its boundaries. He informed the Commission that the building did not get staked and was put in by eyeballing more than expertise. He stated that the reason for this petition was to correct that.

Steve Schreckengast stated that this was an exact example of the issue talked about at the Ordinance Committee meeting. He said that the authority to clear this up should be given to the administrative officer.

Bernard Gulker stated that would encourage more eyeballing and less expertise.

Steve Schreckengast stated that he disagreed with Bernard Gulker. He expressed his belief that nobody makes these mistakes on purpose.

Mark Hermodson stated that they do it all the time. He mentioned that if this was not a PD than it would be in front of the BZA. He said that hypothetically, they should tear down a couple of house to make a point.

Steve Schreckengast stated that the Commission was going to approve this tonight, and a lot of time and work could have been spared. He expressed his belief that Mark Hermodson did not have any confidence in the administrative officers in the county.

Jack Rhoda said that Mark Hermodson did not say that.

Mark Hermodson stated that he did not say that.

Karl Rutherford posed the question as to how to keep this from happening.

Jack Rhoda stated that in order to keep this from happening, is to require this process and do not give the leaway to the administrative officers.

KD Benson asked if there was a construction bond that would ensure that things like this would not happen.

James Hawley stated that construction bonds do not cover this type of mistake. He stated that the hands of the administrative officers were tied on purpose. He said that under the previous PD process they were not and it was used as an excuse to change the entire face of the PD. He said that the PD would end up looking nothing like what the Commission approved.

The Commission voted by ballot 9 yes – 0 no to recommend approval of **Z-2092—JOHN S. BADYLAK (PDMX TO PDMX) (WYNDHAM TRACE, LOT 13 REVISED, PD)** to the County Commissioners.

4. **Z-2093—JULIE GINN (R1B TO PDRS) (HIGHLAND SCHOOL PD):**

Petitioner is requesting reuse of former Highland School into 12 condominium apartments plus common area, with an additional 12 condo units in 5 new buildings plus common area, on the 2.532-acre school grounds fronting on Owen and 5th Streets and Cherokee Avenue in Lafayette, Fairfield 29 (SE) 23-4.

KD Benson moved to hear and approve the above-described request. Jan Mills seconded.

Bernard Gulker the read staff report with recommendation for conditional approval, subject to the following conditions:

Final Detailed Plans, signed off by those noted in that section, to include:

1. All sheets (other than the preliminary plat) and narrative that make up the approved Preliminary Plan;
2. A final plat and declaration of horizontal property regime, per *UZO* Appendix B-3-2 as applicable; and
3. A note on the plans and in the covenants requiring the homeowners' association to maintain the small area of surplus City right-of-way at the site's southeast corner, and a document from the City Engineer authorizing residents' right of entry to it.

James Hawley presented slides of the zoning map, aerial photo, site plan and attorney's sketch plans. He pointed out the architectural plan for the new building and reiterated enthusiastic approval.

Joseph T. Bumbleburg, representing the petitioner, presented fliers that were mailed to the neighborhood residents. He stated that the developer was present and available to answer questions. He informed the Commission that both he and the developer were residents in this neighborhood. He informed the Commission that a lot of the old hardware and fixtures still existed in the school and the developers and architects are incorporating these into the new plans. He stated that a meeting was held with the neighbors and they toured the building in an effort to make this a neighborhood project. He referenced the staff report of the road problem and said that was easily solved. He presented additional site drawings to the Commission.

Jack Rhoda asked if each structure had two living units.

Joseph T. Bumbleburg stated that some of them would have three. He said that several years ago when the land was up for sale, the neighbors were worried about what would become of it, and the Baptist school turned out to be great neighbors. He pointed out that the new plans will have ample landscaping, appropriate set backs, and a lot of positive features. He reiterated James Hawley's statement that the staff was enthusiastic and added that the neighbors were excited.

Carol Rausch 739 Owen Street, Lafayette, IN, stated she has lived a block and a half from the school for thirty-eight years. She said that the best solution for this property was to have a city public school back, but realizes that will not happen. She said that there was a lot of concern when the Baptist school bought it, and a lot of concern when they were selling it. She said that in all of the meetings she has attended regarding this property, everyone seems pleased with the plans versus rumors of other possibilities. She informed the Commission of a rumor that the Baptist school did not take the highest bidder, in an effort to be a good neighbor. She suggested that in order to save time all the people in support of the project could stand instead of speaking individually.

Jack Rhoda gave permission.

Several members of the audience stood.

Jack Rhoda stated that those in opposition would be given the same opportunity to stand. He said that anyone else wishing to speak in favor was still welcome to do so. He asked if anyone in the audience wished to speak in opposition.

No one rose to speak.

Jan Mills stated that the developer won a Tost Preservation Award this year. She said that the plans were a beautiful example of renovation and reuse of one of Lafayette's great buildings.

KD Benson agreed with Jan Mills.

Mark Hermodson stated that he was also enthusiastic about the plans. He asked if any market analysis was done to see if anyone in the county would be willing to live in an old school house.

Joseph T. Bumbleburg attempted to answer the question and Mark Hermodson withdrew it.

Jack Rhoda stated that this appears to be a successful process and commended Julie Ginn on involving the whole neighborhood.

The Commission voted by ballot 9 yes – 0 no to recommend approval of **Z-2093—JULIE GINN (R1B TO PDRS) (HIGHLAND SCHOOL PD)** to the Lafayette City Council.

5. **Z-2094—COPPER BEECH TOWNHOME COMMUNITIES, LLP (R1 TO R3):** Petitioner is requesting the rezoning of 15.10 acres located approximately 400' west of McCormick Road and 1320' east of CR 300 W, Wabash 11 (NW) 23-5.

KD Benson moved to hear and approve the above-described request. Jan Mills seconded.

Bernard Gulker read the staff report with recommendation of denial.

Bernard Gulker read into the record a letter of opposition from Patricia Mason, Trustee, Wabash Civil Township, dated October 14, 2002, addressed to the Tippecanoe County Area Plan Commission. Her letter stated that she was also a member of the Citizens Advisory Committee for the Relocation of US 231. She wrote that if this petition is approved, the new highway will not only run extremely close to this development but will be forced to move even closer to existing single family residential neighborhoods or intersect several times with the railroad, raising the cost. She asked for denial until the zoning maps for the township have been redone and INDOT has selected the route for the highway. She wrote that the haphazard zoning in this area has lead to a decline in the quality of life for the residents.

James Hawley presented slides of the zoning map, aerial photo, and safety projections. He reiterated the recommendation for denial

Joseph T. Bumbleburg, representing the petitioner, stated that the petitioner and the owners were present. He explained that this was a piece of property that they wanted to add to a previously approved townhouse community. He said that this is the proper joiner of a piece of property to the development that is going on to the west. He informed the Commission that the dirt is already in the process of being moved and there have been no problems with the soils. He stated the intention was to attract a mixed density consisting of starter families, empty nesters and students. He said that one of the first concerns that staff communicated to petitioner was that Cumberland Ave. needs a land reservation got its extension. He said that the reservation exists in the plat for this development. He said that the staff was also concerned with the east-west, Cumberland section. He stated that on the plat for this development, Cumberland would have a reservation. He explained that the ground in question would be reserved for a road, if and when the county needed it. He said that they were sensitive to the stub street that had been required in Wake Robin, and there will no direct connection from the stub street to this development. He expressed his hope that there would be an exit on McCormick Road for this development. He pointed out that since McCormick Road is changing, they have left twenty-two acres on the eastern side as R1. He reiterated that they are adding on to the existing subdivision. He stated that in most cases the developer handles the utilities. He said that staff's comments number one and seven are development problems, not zoning. He referenced the staff's comment regarding 350 south and stated that there is a mixed use and not all single-family dwellings. He said that this addition is timely, appropriate and geared for the future. He said that the county highway department has already reviewed the situation and has no objection. He asked for approval.

Andrew Koch, 2404 Bobolink Drive, West Lafayette, IN, informed the Commission that Bobolink Drive was the road commonly known as the stub road. He stated that he represented two out of the three households in the Wake Robin II area that received certified letters notifying them of this hearing. He said that they also represent the 140 plus people that signed a petition in opposition to this development. He informed the Commission they had five major concerns that they would take turns reviewing. The first concern is that the property under consideration is part of the US 231-study area. He asked that no rezoning be done until the US 231 route is confirmed.

Thomas R. O'Neal, 2403 Bobolink Drive, West Lafayette, IN, stated concern number two was over growth in a heavily populated area causes increase in safety hazards. The most prominent of these safety issues is the increased traffic flow. He stated that vehicular-versus-vehicular and vehicular-verses-pedestrian accidents would be more prominent. He informed the Commission there are approximately 150 young children who would be in danger. Another safety issue would be the increase of crimes, including, burglaries, thefts, alcohol violations, and criminal mischief and traffic infractions. A third safety concern is police coverage. Due to the large area that four or five on-duty deputies have to cover, response time is slow. He stated that another concern was fire protection. He informed the Commission that this township has a volunteer fire department that has recently acquired three additional apartment complexes, with a fourth already approved, under construction and they do not own aerial apparatus to battle high-rise fires. He posed the question as to whether there was enough water pressure supplied to the hydrants to handle a major fire at a large complex.

Andrew Koch presented concern number three as disrupting the character of an already existing residential area. He stated that long-established R1 sites and developing R1 sites surround this property. He said that this development would be marketed toward college students. He stated that the proposed R3 rezoning would be an anomalous intrusion that would alter the character and unity of the existing community. He presented concern number four as an overabundance of already existing multi-family housing units similar to those being proposed. He said with the rising costs of Purdue and the limitation of new student enrollment, it would be wise for the government to stop the overabundance of these types of communities. He informed the Commission that there have been reports of high vacancy rates in the older communities, including those built in recent years. He reviewed three other areas that have been recently rezoned to R3, which will create over 600 new multi-family units.

Thomas R. O'Neal presented concern number five as the physical quality of multi-family structures. He said that several of the new complexes have been built to have a nice appearance when they are new, but based upon the building materials and clientele, they may not hold up as well throughout the years. He stated that this is evident when looking at the recently constructed Jefferson Commons and Willowbrook West. He referenced the staff's reported

concern for the soil rating and sanitary sewer and stressed these as additional concerns of the neighborhood. He asked for denial.

Lewis Hill 2208 Bobolink Drive, West Lafayette, IN, stated that Joseph T. Bumbleburg's comment that it works, lay at the heart of the problem. He referenced Channel 18's news report that there has been a 100% increase in accidents on McCormick Road. He pointed out that Mayor Sonya Margerum has publicly voiced concerns of urban sprawl and this project would contribute to that. He objected to this petition.

Cindy O'Neal 2403 Bobolink Drive, West Lafayette, IN, referenced the staff's earlier comment that there is more than enough multi-family units in the community. She expressed her concern that although this is an extension of the current Copper Beech, it will have to have access to McCormick Road. She presented a flyer advertising the Copper Beech development that had been circulated on the Purdue campus, in direct rebuttal to petitioner's statement that they were marketing to more than students. She pointed out that the Copper Beech office was located on Chauncy Hill, where most of the patrons are students.

Jim Williams, 2241 Sandpiper Court, West Lafayette, IN, stated he is member of the board of directors for the homeowners association of Blackbird Farms. He said that living across the street from a R3 high-density complex, geared toward students, definitely has an impact on residential neighborhoods. He pointed out that the property values of surrounding homes have dropped, making them difficult to sell. He presented the overhead-zoning map and pointed out traffic concerns, emphasizing the slower traffic. He stated that there has already been a 300% increase in traffic on McCormick.

Joseph T. Bumbleburg informed the Commission that at Pennsylvania State College, petitioner conducted a study of the area surrounding the town homes, and they did not diminish in value. He pointed out that Wabash Township needs to grow in order to get the assessed valuation for the police and fire departments, not go backward. He stated that the looping of utilities comes with developing, including making the fireplugs work. He declared that these town homes couldn't be compared to Jefferson Commons because they are not dormitory style buildings. He informed the Commission that the town homes will be multi-level and will not be bedroom leases. He stated that development of new US 231 would solve many of the traffic concerns. He pointed out that they have moved the development away from Wake Robin, left the adjacent R1 and are simply trying to add to the existing situation. He said regardless of the universality's freeze on enrollment, there is still a demand for units.

Karl Rutherford asked if there was anyway to ensure that the twenty-two acres to the east, that were left R1, stay R1 in the event the property is sold.

Joseph T. Bumbleburg stated that the Commissioners have the control to keep that land R1.

Karl Rutherford said he was wondering if a deed restriction could be applied.

Joseph T. Bumbleburg stated that restrictions usually lead to problems ten years down the road.

Karl Rutherford asked for clarification on the area reserved for Cumberland Ave.

Joseph T. Bumbleburg explained that area was reserved for the County to purchase and nothing would be built on it that would cause the price to rise, allowing them to acquire simple right-of-way.

Jan Mills asked what the expected build date was for the Cumberland extension.

James Hawley stated that the date has not been determined yet. He said that there is a request for funding in order to conduct a study of the area. He informed the Commission that the study usually takes about one year, another year and a half for engineering plans, two years for right-of-way purchase, for a total of about six years. He said that it is possible that it will be ready within the five years of reservation.

KD Benson asked if there were names to accompany the petition submitted by Thomas R. O'Neal and Andrew Koch and if so, how many names.

Andrew Koch and Thomas R. O'Neal replied the names were given to the Area Plan staff and there are 140 names on the list.

The Commission voted by ballot 1 yes – 8 no to recommend denial of **Z-2094—COPPER BEECH TOWNHOME COMMUNITIES, LLP (R1 TO R3)** to the Tippecanoe County Commissioners.

Yes Votes

Karl Rutherford

No Votes

Jan Mills

KD Benson

John Knochel

Jack Rhoda

Kathy Vernon

David

Williams

Steve Schreckengast

Mark Hermodson

Jeff Kessler joined the meeting.

6. **Z-2095—AREA PLAN COMMISSION OF TIPPECANOE COUNTY (GB, NB, MR, R1, R1B, R2, R3 TO GB, MR, NB, NBU, R1U, R2U, R3U):** Petitioner is requesting the rezoning of the Columbian Park Neighborhood, bounded by Earl Avenue

to the east, Kossuth and Main Street to the south, 18th
 Street to the west, Ferry Street to 24th Street, then north to
 Cason Street to 30th Street, then back to Ferry Street on the
 north to Earl Avenue, Lafayette, Fairfield Sections 28 (NE),
 21 (SE), 22 (SW) and 27 (NW) 23-4.
KD Benson moved to hear and approve the above-described request. Jan
 Mills seconded.

James Hawley asked permission from the President for Bernard Gulker to read the history of this petition as well as the staff's recommendation.

Jack Rhoda granted the request.

Bernard Gulker read the staff report with recommendation of approval.

James Hawley presented slides of the existing zoning map, aerial photo and the proposed zoning map. He stated that most lots in this proposal become conforming and reiterated recommendation for approval.

Jack Rhoda asked Jan Mills if she would like to add any comments as chair of the Ordinance Committee.

Jan Mills stated that there were quite a few meetings with public comment. She pointed out that a lot of time was spent looking at individual properties in order to come up with the current proposal.

Ed Carlson, 1906 Main Street, Lafayette, IN, presented a letter and pictures in reference to his home. He requested that the proposed zone for his home be changed from R2U to NBU. He said that the intention when the house was purchased was for his wife to start a floral and craft shop in the front of the house. He stated that the neighbor adjacent to his property had included a letter in the packet that was presented. He informed the Commission that the neighbors had an antique store, which was at the moment, closed. He stated that when the home was purchased it was zoned NB and therefore he paid a premium for it. He said that the previous owners had used the property for both business and residence. He reiterated that the property was purchased with the intention of starting a business. He pointed out in the packet he presented a certified merchant certificate dated September 2000. He informed the Commission that only due to family illnesses is the business not currently open. He gave the history of the property from the 1950's, which was mainly business. He said that when the Neighborhood Association submitted a proposal, his property and the neighbor's was NBU and the Area Plan staff changed it. He requested that the Commission reconsider and change his property back to NBU. He said that he is not the official spokesperson for his neighbors, but pointed out in their letter, they are also requesting a change. He informed the Commission that the neighbor on the other side does not have any objection to them having a business.

Sallie Fahey stated that the Neighborhood Association's proposal was for the whole block to be NBU. She said that at the time the proposal was drawn there was no longer any business in those properties and NB or NBU would not allow those to be rebuilt as a single family home. She stated that in the event of a catastrophe, they would have to be rebuilt with a bottom floor of commercial and a residential second floor. She informed the Commission that these owners did visit the Area Plan staff to discuss these concerns and their options. She pointed out each property on the map.

Mark Hermodson asked for clarification between NB and NBU and what the downside of NB was.

Sallie Fahey stated the downside was that NB does not permit a residence at all.

Karl Rutherford asked if this could be considered a home occupation.

Sallie Fahey stated that it could not be considered a home occupation because it will be retail operation, but there is no reason one building cannot have two uses.

Steve Schreckengast pointed out that this was one of the last areas discussed at the Ordinance meetings. He mentioned that Councilman Fisher was there and spoke in favor of NBU for this area. He mentioned several other people present at the last Ordinance meeting and said that no one seemed to object to NBU.

Jack Rhoda stated he had objected.

Steve Schreckengast moved to change the proposed map for two lots at 1904 and 1906 Main Street to NBU. KD Benson seconded the motion.

Mark Hermodson asked for clarification as to which lots they were voting on.

James Hawley correcting an earlier comment, stated that the Dollar General was directly across from the Village Pantry, not from the lots under discussion. He said that there were professional offices directly across from the lots in question.

Jack Rhoda explained that he had objected because it deviated from the original approach that a house built with the intent of a single-family dwelling, it should be maintained that way.

Steve Schreckengast pointed out that the Neighborhood Association recommended NBU.

Ed Carlson describe the view form his front porch. He said that three lots down was the Village Pantry, directly across the street was a myotherapy business

to the right was Reliable Exterminating and he described the direction of the Dollar General.

The Commission voted by show of hands 9 yes – 0 no to amend petition from R2 to NBU for 1904 and 1906 Main Street.

Karl Treece 1721 East 725 North, West Lafayette, IN, requested that his property be left the way it is. He said that he has owned the property since 1967 and an abstract that goes back over forty years, shows it has always had two houses. He said that the property address was 319 South 31st Street. He mentioned that he had expressed his frustration with this proposal at several of the Ordinance Committee meetings. He said that he was not trying to further his career, but simply protecting his property rights. He referenced the Constitution stating, no government body shall make a law that treats one citizen differently than another. He mentioned other individuals that have come forward to dictate what zoning they want for their property. He said that was not fair, and his property should be allowed to stay R2 if that is what he desired. He stated that he was told that it is a subdivision problem, not a zoning problem and he does not agree with that. He said the problem lies in the proposal that is under discussion and he objects to that. He stated that his neighbors plumbing business is very unkempt and if there are any objections, it should be to that. He said that he did not receive any notifications of a Neighborhood Association meeting.

Steve Schreckengast asked for confirmation that Karl Treece's property was currently R2 and proposed to R1U.

Several members replied yes.

Steve Schreckengast asked for confirmation that this was a home with a second house built behind it.

Karl Treece replied yes, that the person who built it, lived in the back house while the front house was constructed. He then moved to the front house and rented out the back house.

Charles Lodde, 2319 Wallace Ave., Lafayette, IN, declared his thanks to the Commission for leaving his property GB. He expressed his wish that it remain so through the rest of the process. He thanked the Commission.

Jeff Kessler asked for clarification on the location of Karl Treece's property.

James Hawley stated they would need the lot number, block number and railway addition from Karl Treece if the map was to be properly corrected. He asked Karl Treece to assist him in pointing out the general location of the property. He said that it is currently zoned R2 which requires a seventy-five foot width and this lot is only fifty feet wide. He reiterated that there are currently two single-family homes on this lot and in the event of a catastrophe

it would not be allowed to be rebuilt. He said that the remaining single-family home would be conforming in the RU but not in the R2.

KD Benson asked for clarification that if one was destroyed in R2 it could not be rebuilt.

James Hawley confirmed this.

Karl Treece pointed out that he could build a duplex because a lot of other duplexes exist in the area.

James Hawley stated that duplexes are allowed to exist only with a significant number of variances because R2 requires a seventy-five foot width. He said that R2U requires sixty-foot width.

Karl Treece stated that this is limiting the number of people that he can sell his property to.

James Hawley stated that was what zoning does for everybody.

Karl Treece stated that was not true because it would not affect the R2 down the street.

James Hawley stated those selected properties had duplexes built on them in an R2 zone; therefore they were given the R2U zone.

Jeff Kessler asked if there was any type of zoning that would work for this.

Several members replied no.

Jack Rhoda stated it is illegal now and would be under R2U also.

Steve Schreckengast requested the record show that he owns commercial property in the area that is affected by the GB zone off of Earl Ave, and he agrees with what has been done on this proposal.

The Commission voted by ballot 10 yes – 0 no to recommend approval of **Z-2095—AREA PLAN COMMISSION OF TIPPECANOE COUNTY (GB, NB, MR, R1, R1B, R2, R3 TO GB, MR, NB, NBU, R1U, R2U, R3U)** to the Lafayette City Council.

James Hawley stated that as this proposal goes forward to the Lafayette City Council, no more amendments can be made, and it is pass or fail before the Council.

B. SUBDIVISIONS

1. S-3220—BEYERS MINOR SUBDIVISION (MINOR-SKETCH):

Petitioners are seeking primary approval for a 1-lot subdivision on 3.81 acres, located southwest of the CR 400 W and CR 50 N bend, in Wabash 22 (SW) 23-5.

KD Benson moved to hear and vote on the above-described request. Jan Mills seconded.

Bernard Gulker read the staff report with recommendation of conditional primary approval.

James Hawley presented slides of the zoning map site plan, aerial photo and sketch plan. He reiterated staff's recommendation for conditional primary approval subject to the following conditions:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
2. All required building setbacks shall be platted.
3. A street name shall be submitted and approved for use on the private drive.
4. The street addresses and County Auditor's Key Number shall be shown.
5. Bearings and distances must be shown on the existing ingress/egress easement.

Roger Fine, from John Fisher and Associates, 625 South Earl Ave., Lafayette, IN, representing the petitioner, stated that the petitioner was present to answer questions. He said that the staff's report has been read and petitioner agrees with all of staff's findings. He asked for approval.

KD Benson asked what the point of a one-lot subdivision was.

James Hawley stated this is a one lot minor and the rest of the lots are parcelizations.

The Commission voted by ballot 10 yes – 0 no to grant conditional primary approval on **S-3220—BEYERS MINOR SUBDIVISION (MINOR-SKETCH).**

2. S-3221—BROTHERS SUBDIVISION (MINOR-SKETCH):

Petitioner is seeking primary approval for a 2-lot commercial subdivision on 0.9 acres, located on the west side of Brothers Drive, just south of Teal Road, in the City of Lafayette, Fairfield 34 (SW) 23-4.

KD Benson moved to hear and vote on the above-described request. Jan Mills seconded.

Bernard Gulker read the staff report with recommendation of conditional primary approval subject to:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

6. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
7. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
8. All required building setbacks shall be platted.
9. The street addresses and County Auditor's Key Number shall be shown.

James Hawley presented slides of the zoning map, aerial photo and plot. He reiterated staff's recommendation for conditional primary approval.

Nick Starr, from Starr Associates, 413 Teal Road, Lafayette, IN, representing the petitioner, stated the only way to put another building on this lot would be to subdivide, which is the reason for the petition. He agreed to the conditions set by the staff.

The Commission voted by ballot 10 yes – 0 no to grant conditional primary approval on **S-3221—BROTHERS SUBDIVISION (MINOR-SKETCH).**

3. **S-3222—WABASH VILLAGE MINOR SUBDIVISION NUMBER 2 (MINOR-SKETCH):** Petitioner is seeking primary approval for 1 commercial lot on 0.81 acres, located on the south side of Sagamore Parkway (US 52), just west of the Nighthawk Drive intersection, in West Lafayette, Wabash 7 (SE) 23-4.

KD Benson moved to hear and vote on the above-described request. Jan Mills seconded.

Bernard Gulker read the staff report with recommendation of conditional primary approval subject to:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

10. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
11. All required building setbacks shall be platted.
12. The street addresses and County Auditor's Key Number shall be shown.

13. Parcelization P80-14 must be dissolved prior to recordation of the subdivision.
14. An adequate sanitary sewer easement must be provided on the final plat.

James Hawley presented slides of the zoning map, aerial photo and plat. He reiterated staff's recommendation for conditional primary approval.

Randy Williams, representing the petitioner, informed the Commission that they were in a process of creating a planned development in order for Marsh to expand. He stated that everything was in line for this development and asked for approval.

The Commission voted by ballot 10 yes – 0 no to grant conditional primary approval on **S-3222—WABASH VILLAGE MINOR SUBDIVISION NUMBER 2 (MINOR-SKETCH)**.

4. **S-3223—TEAL CENTER MINOR (MINOR-SKETCH):** Petitioner is seeking primary approval for a 2-lot commercial subdivision on 2.92 acres, located between Teal Road and Shoshone Drive, on Shoshone Court, in Lafayette, Fairfield 33 (SE) 23-4.

KD Benson moved to hear and vote on the above-described request. Jan Mills seconded.

Bernard Gulker read the revised staff report with recommendation of conditional primary approval subject to:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

15. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
16. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
17. All required building setbacks shall be platted.
18. Street addresses and County Auditor's Key Number shall be shown.

James Hawley presented slides of the zoning map, aerial photo and plat. He reiterated staff's recommendation for conditional primary approval.

Roger Fine, representing the petitioner, stated that the petitioner, Union Planters Bank, was not present. He said that they have read the revised staff report and agree with its conclusions. He informed the Commission that the reason for this subdivision is to allow the bank to sell one of these properties because they currently reside on one tax parcel. He asked for approval.

The Commission voted by ballot 10 yes – 0 no to grant conditional primary approval on **S-3223—TEAL CENTER MINOR (MINOR-SKETCH).**

V. ADMINISTRATIVE MATTERS

VI. APPROVAL OF THE AUGUST 2002 EXECUTIVE COMMITTEE AGENDA

KD Benson moved that the following subdivision petition be placed on the November 6, 2002 Area Plan Commission Executive Committee Agenda at petitioners' request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

RE-0002– HARMON SUBDIVISION (RURAL ESTATE-PRELIMINARY PLAT)

Jan Mills seconded and motion was carried by voice vote.

VII. DETERMINATION OF VARIANCES

A. Area Board of Zoning Appeals

None.

VIII. DIRECTOR'S REPORT

James Hawley reported that there are two land uses studies coming up. The first is for the Wallace Triangle neighborhood in Lafayette at Kossuth Street, 9th Street and State Street. He said this study has been on the back burner for quite some time, is small and will take a minimal amount of time to complete. He stated that Kathy Lind would be assigned to that study. He stated that Sallie Fahey was getting ready to start the Wabash Township study group by sending out letters to core members. He said that INDOT and the Federal Highway Administration were very close to deciding the new location for US 231. He said that was a critical factor on deciding the land use. He referenced the installation of I 65 in the 1960's and how that affected the industrial zoning on the west side.

He stated that the transportation staff has been working very closely with the INDOT management group on the Hoosier Heartland Highway. He said that decision should come within the next six months. He emphasized that these will be two very critical issues for the community. He explained that once the decisions are made, it is down to design, right-of way and construction. He stated that it is feasible that both of these projects will be complete in ten years. He said that no federally financed highway improvement would take any less than seven years. He stated that includes all federal requirements to protect all the property owners, and examine the environmental issues and there is no way to shorten the process.

Steve Schreckengast suggested revisiting the issue that some members of the Commission have been consistently absent for sometime. He mentioned that

during the last administration they were contacted to see if they were going to continue to sit on the Board.

James Hawley stated that the members that are consistently absent are the three town council members who are only replaceable by another elected official of that town.

Karl Rutherford said he thought the bylaws were written such that a member can only miss sixty percent of the meetings.

James Hawley responded that only applied to citizen members not elected officials. He informed the Commission that at the Town of Battleground Council meeting the night before, they could not get a quorum. He asked Joanna Grama to talk to Keith Fafarman and he would speak to the attorneys for the two other towns.

Karl Rutherford asked if there were any methods to having alternates.

James Hawley stated he would have to look at the statute for that information. Karl Rutherford expressed his concern that the towns did not have any representation.

James Hawley pointed out that if there were alternates, there would be a thirty member commission.

KD Benson pointed out that absent members caused more cases to come back to them and for the meetings to go longer.

James Hawley mentioned that a case can only come back two times as opposed to the previous rule that it could not move forward until it received an eight-majority vote.

Sallie Fahey suggested approaching the absent members with the contention that their absence affects everyone, regardless if they are voting on something in their own districts.

IX. CITIZENS' COMMENTS AND GRIEVANCES

None

X. ADJOURNMENT

KD Benson moved that the meeting be adjourned. Jan Mills seconded and the motion carried by voice vote.

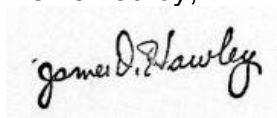
The meeting was adjourned at 9:50 P.M.

Respectfully submitted,



Michelle D'Andrea
Recording Secretary

Reviewed by,



James D. Hawley, AICP
Executive Director